



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

January 27, 1992

Ms. Martha C. Agee  
Assistant City Attorney  
City of Waco  
Legal Services  
P. O. Box 2570  
Waco, Texas 76702-2570

OR92-36

Dear Ms. Agee:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. Your request was assigned ID# 14542.

You have received a request for information relating to an informant. Specifically, the requestor seeks an "Investigation Data" form which summarizes a reported zoning violation and includes the name and address of the informant. You have submitted to us for review information responsive to the request, namely, an "Investigation Data" form. Although you do not object to release of some of the information on the form, you claim that the name and address of the informant are excepted from required public disclosure by section 3(a)(1) of the Open Records Act.

You contend that the name and address of the informant on the "Investigation Data" form are excepted from required public disclosure under the informer's privilege aspect of section 3(a)(1), which excepts "information deemed confidential by law, either Constitutional, statutory, or by judicial decision." The informer's privilege "authorizes a governmental body to withhold information which would reveal the identity of persons who report possible violations of law to officials charged with the enforcement of that law." Open Records Decision No. 434 (1986). You advise us that the situation communicated by the informer constitutes a

violation of the City of Waco's zoning ordinance. The informer's privilege applies to the identity of a person who reports a zoning violation. Open Records Decision No. 279 (1981). Accordingly, we conclude that the name and address of the informant may be withheld from required public disclosure under the informer's privilege aspect of section 3(a)(1) of the Open Records Act.

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please refer to OR92-36.

Yours very truly,

A handwritten signature in black ink, appearing to read "Sarah Woelk". The signature is fluid and cursive, with the first name "Sarah" written in a larger, more prominent script than the last name "Woelk".

Sarah Woelk  
Assistant Attorney General  
Opinion Committee

SW/GK/lcd

Ref.: ID# 14542  
ID# 14566

cc: Mr. Morris J. Butts  
4112 North 27  
Waco, Texas 76708